

AUG 13

OFFICIAL

PATENT

Practitioner's Docket No. 1268/42

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Lightfoot et al.

Application No.: 09/772,134

Group No.: 1638

Filed: January 29, 2001

Examiner: Kruse, David H.

For: ISOLATED POLYNUCLEOTIDES AND POLYPEPTIDES RELATING TO LOCI  
UNDERLYING RESISTANCE TO SOYBEAN CYST NEMATODE AND SOYBEAN  
SUDDEN DEATH SYNDROME AND METHODS EMPLOYING SAME

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(37 C.F.R. § 1.191)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed February 13, 2004, finally rejecting Claims 11, 13-15, 17-26, and 71-80.

## 1. STATUS OF APPLICANT

This application is on behalf of a small entity.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*  
(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)

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## TRANSMISSION

☒ facsimile transmitted to the Patent and Trademark Office, (703) 872-9308.

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Cathi H. Turner

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\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Notice of Appeal from the Primary Examiner to Board--page 1 of 2